

**Notice of Allowability**

Application No.

09/383,857

Applicant(s)

STAHL, DAVID R.

Examiner

Chau Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI Decision received on 01/24/2006.
2. ☒ The allowed claim(s) is/are 1-6, 8-18, and 20-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
2/15/2006

## REASONS FOR ALLOWANCE

1. The following is a statement of reasons for the indication of allowable subject matter:

In interpreting the claims in light of the specification and applicant's arguments, the Examiner finds the claimed invention is patentably distinct from the prior art of record.

The prior art of record include Gile et al. (Gile), US Patent Number 6,317,779 and Gardell et al. (Gardell), US Patent Number 6,049,831.

Gile discloses in Abstract and col. 3, lines 10-27 that user customized profile such as selected services, order, and desired ready time, and a user selects a number and order of available service desired such as the evening news, stock quotes, and entertainment news and theses information will be automatically downloaded from the web site per the user-specified schedule.

Gardell discloses a user accesses a network from several devices such as computer, television, etc... to request for network information (Abstract, col. 6, line 50 – col. 8, line 19).

Claim 1 is allowed because the prior art of record does not expressly discloses alone or in combination "providing for a user profile, wherein the user profile defines a schedule of two or more information requests, each information request having a corresponding destination, including a first information request having a corresponding

first destination and a second information request having a corresponding second destination different from the first destination.”

Examiner finds the argument on page 9 of the brief to be persuasive since Appellant argued that modifying Gile to deliver sets of information to different destinations would defeat Gile’s purpose of providing a CD at a scheduled time. In addition, the examiner finds Appellant’s arguments “even if one were to modify Gile with Gardell, the claim would not be obvious” to be persuasive as well. Further, on page 10 of the brief, Appellant argued “Gardell suggests nothing at all regarding specifying, for an information request, the destination for delivery of information obtained in response to the request, Gardell teaches only that the destination for delivery of the information obtained in response to a request is the Internet access device from which the request was sent”, which examiner also finds to be persuasive.

2. Claims 2-6 and 8-12 further limit independent claim 1. Claims 13-18 and 20-24 are considered allowable for the same reasons set forth for claims 1-6 and 8-12.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen  
Patent Examiner  
Art Unit 2176

*William F. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*2/15/2006*